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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,900	06/20/2001	Scott Baggs	10004919-1	4858

22879 7590 06/20/2003

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EXAMINER
YAM, STEPHEN K

ART UNIT	PAPER NUMBER
2878	

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/885,900	BAGGS, SCOTT	
	Examiner	Art Unit	
	Stephen Yam	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *8* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

PATENT APPLICATION
Sheet 1 of 1

FORM PTO-1449

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.	APPLICATION NO.	CONFIRMATION NO.
10004919-1	**09/885,900**	**4858**
APPLICANT: **Baggs**		
FILING DATE: **6/20/01**	GROUP: **2878**	

REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	NAME	Pages, Columns, Lines Where Relevant Passages or Figures Appear
	1A				
	1B				
	1C				
	1D				
	1E				
	1F				
	1G				
	1H				
	1I				
	1J				
	1K				

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	Pages/Columns/Lines Where Relevant Passages/Figures Appear	Check if Translation attached
SY	1L	WO02/39721	5/16/02	Docuport, Inc.		
SY	1M	JP2000209409	7/28/00	Seiko Epson		
	1N					
	1O					
	1P					

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

	1Q	
	1R	
	1S	

EXAMINER [signature] DATE CONSIDERED 6/13/03

Rev 01/03 (PTO1449)

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 12, 2003 has been entered. Claims 1-39 are pending.

Claim Objections

2. Claims 9 and 15 are objected to because of the following informalities:

In Claim 9, "the distal edge of the platen" lacks proper antecedent basis.

In Claim 15, a period is missing at the end of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 2, 4-8, 12-14, 16-26, 28-32, 34, 35, and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by Minowa Japanese Publication No. 2000-209408 (hereinafter Minowa '408).

Regarding Claim 1, Minowa '408 teaches (see Fig. 6) a space-saving scanner assembly comprising a housing (11) having a substantially vertical source-contact surface (12) with a channel (from (14b) to (14c)) (see Fig. 4) extending from the housing said channel having a surface that is substantially, parallel to and opposed from said source-contact surface, and a flap (14) coupled to the source-contact surface, having a source-backing surface substantially parallel to the source-contact surface of the housing (see Fig. 4), wherein the source-contact surface, the source-backing surface, and said channel forms an aperture (14b) for receiving an edge of a source (above (14b) to be scanned.

Regarding Claim 2, Minowa '408 teaches (see Fig. 4) a portion of the vertical source-contact surface of the housing comprising a platen (12) to permit scanning of a source document in a vertical position.

Regarding Claim 4, Minowa '408 teaches the flap includes an inclined surface (on (14) adjacent to (14b)) adjacent to the aperture.

Regarding Claim 5, Minowa '408 teaches the flap including a slot (14b).

Regarding Claim 6, Minowa '408 teaches (see Fig. 7) the source-backing surface of the flap including a clip (44) arranged to receive a portion of a source document to be scanned.

Regarding Claim 7, Minowa '408 teaches (see Fig. 7) the housing further comprising a recess (42) configured to receive a portion of the channel when an operator closely adjusts the source contact surface to the substantially vertical surface of the housing.

Regarding Claim 8, Minowa '408 teaches the platen having an upper edge, an opposing lower edge, a front edge relatively coexistent with a front panel of the housing and a distal edge and wherein the channel is adjacent to the lower edge of the platen (see Fig. 4 and 6).

Regarding Claim 12, Minowa '408 teaches the slot positioned to permit the placement of a relatively short source document on edge on the channel wherein information to be scanned is aligned with at least a portion of a platen (see Fig. 4).

Regarding Claim 13, Minowa '408 teaches (see Fig. 7) the housing configured to extend the channel from the vertical source-contact surface when an operator adjusts the source-backing surface in relation to the vertical source contact surface of the housing to increase the width of the aperture (see Fig. 7).

Regarding Claim 14, Minowa '408 teaches (see Fig. 4) the width of a first end (14b) of the channel proximal to a front panel (side with (14b)) of the housing increasing over that portion of the channel that extends beyond the platen (under (14c)).

Regarding Claim 16, Minowa '408 teaches (see Fig. 6) a space-saving scanner assembly comprising means (11) for housing an optical scanner (13) (see Fig. 1), and means (14) for forming an aperture (from (14b) to (14c)) configured to closely receive a leading edge of a source (into (14b)), such that the source can be spatially arranged with the means for optically scanning without adjusting the aperture, the source being supported along a second edge (left and right- see Fig. 6) of said source along a channel means as the source is received in the aperture wherein said channel means extends from said means for housing and comprises a source retaining means (14) substantially parallel to, and opposed from, said optical scanner.

Regarding Claim 17, Minowa '408 teaches (see Fig. 6) the source retaining means of said channel means extending vertically from a base (30b) of said channel means.

Regarding Claim 18, Minowa '408 teaches (see Fig. 4) the means for forming an aperture comprising a flap having a slot (14b).

Regarding Claim 19, Minowa '408 teaches (see Fig. 4) the means for forming an aperture comprising a first inclined surface (on (14) adjacent to (14b)) associated with a flap.

Regarding Claim 20, Minowa '408 teaches (see Fig. 4) a method for saving space on a desktop comprising providing an optical scanner (13) (see Fig. 1) having a housing (11), the housing having a substantially vertical source-contact surface with a channel (from (14b) to (14c)) extending from the housing, the channel having a surface that is substantially parallel to, and opposed from, said source-contact surface, the vertical source-contact surface including a transparent platen portion (12), wherein the channel is adjacent to a lower edge of the transparent platen portion (see Fig. 4 and 6), and providing a flap (14) coupled to the source-contact surface, having a source backing surface substantially parallel to the source-contact surface of the housing, wherein the source-contact surface, the source-backing surface, and the channel form an aperture (14b) for receiving a source to be scanned.

Regarding Claim 21, Minowa '408 teaches inserting (see Fig. 6) a leading edge of a source (above (14b) to be scanned into the aperture formed by the source contact surface, the source-backing surface, and the channel such that the source is supported along a second edge (left and right) by the channel.

Regarding Claim 22, Minowa '408 teaches (see Fig. 4) spatially arranging the flap and the housing wherein pressure is applied to a non-scan surface of the source and the scan surface of the source closely contacts the transparent platen portion.

Regarding Claim 23, Minowa '408 teaches enabling the optical scanner to scan the source (see Paragraph 0014).

Regarding Claim 24, Minowa '408 teaches (see Fig. 1 and 5) spatially arranging the flap and the housing wherein pressure is removed from the non-scan surface of the source.

Regarding Claim 25, inherently a source is removed from a scanner after the scanning process.

Regarding Claim 26, Minowa '408 teaches (see Fig. 4) a space-saving scanner assembly comprising a housing (11) having a substantially vertical source-contact surface, a channel (from (14b) to (14c)) extending from the housing, having a surface that is substantially parallel to and opposed from said source-contact surface, and a flap (14) coupled to the housing, the flap having a source-backing surface substantially parallel to the source-contact surface of the housing, wherein the source contact surface, the source-backing surface, and the channel form an aperture (14b) for receiving an edge of a source to be scanned without necessitating relative movement between the flap and the housing.

Regarding Claim 28, Minowa '408 teaches the flap including an inclined surface (on (14) adjacent to (14b)) adjacent to the opening, the inclined surface arranged to increase the opening along a front edge of the flap, wherein the front edge is substantially perpendicular to the source-backing surface.

Regarding Claim 29, Minowa '408 teaches the flap including a slot (14b).

Regarding Claim 30, Minowa '408 teaches (see Fig. 4) the slot positioned to permit the placement of a relatively short source document on edge on said channel and wherein information to be scanned from the source document is aligned with at least a portion of a platen.

Regarding Claim 31, Minowa '408 teaches (see Fig. 7) the housing further comprising a recess (42) configured to receive a portion of said channel when the source-backing surface is in close proximity to the source-contact surface.

Regarding Claim 32, Minowa '408 teaches (see Fig. 6) said channel having a first end proximal to a front panel of the housing and a distal end that extends at least to a distal edge of a platen.

Regarding Claim 34, Minowa '408 teaches (see Fig. 7) the housing is configured to extend said channel from the source-contact surface when an operator adjusts the source-backing surface in relation to the source-contact surface to increase the width of the aperture (see Fig. 7).

Regarding Claim 35, Minowa '408 teaches (see Fig. 4) the width of said channel at a first end (14b) of said channel proximal to a front panel (side with (14b)) of the housing increasing over that portion of said channel that extends beyond a platen (under (14c)).

Regarding Claim 37, Minowa '408 teaches a method for arranging a source in a scanner comprising inserting (see Fig. 6) a leading edge of the source (above (14b)) into an aperture (14b) formed by a channel (from (14b) to (14c)) having a surface that is substantially parallel to and opposed from, a platen (12) of the scanner such that a surface of the source having information thereon that is desired to be imaged by the scanner is adjacent to a sensor (13) (see Fig. 1) arranged in a substantially vertical plane, and adjusting (by insertion) the source such that the information desired to be imaged is aligned with the sensor.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 10, 11, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa '408 in view of Minowa et al. US Patent No. 6,408,161 (hereinafter Minowa '161).

Minowa '408 teach the assembly in Claims 4 and 26, according to the appropriate paragraph above. Minowa '408 does not teach the flap coupled to the housing with a post assembly having a plurality of spatially separated detent positions or the flap coupled to the housing with at least one adjustable fastener. Minowa '161 teach (see Fig. 10) a vertical scanner with a flap (139) and an aperture (between (139) and (112) where the flap is coupled (see Fig. 14) to the housing with at least one post assembly (240) having a plurality (front and back) of spatially separated detent positions and the flap is coupled to the housing with at least one adjustable fastener (139a) for closely contacting the source-backing surface to the vertical source-contact surface (see Col. 8, lines 21-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a post assembly with a plurality of separated detent positions and a flap with an adjustable fastener as taught by Minowa '161 in the apparatus of Minowa '408, to provide easy operation of the flap and prevent the flap from opening during operation of the scanner.

7. Claims 3, 9, 15, 27, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa '408 in view of Minowa Japanese Publication No. 2001-053918 (hereinafter Minowa '918).

Regarding Claims 3, 9, and 27, Minowa '408 teaches the assembly in Claims 9 and 26, according to the appropriate paragraph above. Regarding Claim 9, Minowa '408 teaches (see Fig. 10) the channel having a first end proximal to a front panel of the housing and a distal end that extends at least to the distal edge of the platen. Minowa '408 does not teach the housing containing a front panel with an inclined surface adjacent to the opening, the inclined surface forming a wider opening at the surface of the front panel. Minowa '918 teaches (see Fig. 4) a vertical scanner with a flap (12A) wherein the front side (side in which where paper (S) is inserted) of the flap contains an inclined surface (by (16)) adjacent to the opening for forming a wider opening, and it is functionally equivalent to have the inclined surface on the flap vs. having it on the front panel of the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an inclined surface on a front panel adjacent to the opening as shown by Minowa '918 in the assembly of Minowa '408, to provide easier insertion and removal of the documents for scanning.

Regarding Claims 15 and 36, Minowa '408 teaches the assembly in Claims 9 and 26, according to the appropriate paragraph above. Minowa '408 does not teach said channel coated with a material having a relatively low coefficient of friction. It is well known in the art to use materials with relatively low coefficient of friction to facilitate the insertion and removal of objects into slots- for example, floppy disk drives and paper feeders for printers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the

channel with a material having a relatively low coefficient of friction, to provide easier movement of documents for insertion and removal from the apparatus.

8. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa '408.

Minowa '408 teaches the method in Claim 37, according to the appropriate paragraph above. Minowa '408 also teaches (see Fig. 4) a slot (14b) formed in a flap (14), and enabling the scanner to scan the information (see Paragraph 0014) and inherently, the source is removed from the scanner assembly after the scanning process. Minowa '408 does not teach inserting a plug into a slot formed in a flap and then removing the plug. It is well known in the art to cover an optical scanning device to block ambient light from adversely affecting the scanning process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert a plug into the slot before scanning and remove the plug after scanning in the method of Minowa '408, to block any ambient light which may propagate into the channel from the slot, to improve scanning contrast and clarity.

Response to Arguments

9. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (703)306-3441. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703)308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7724 for regular communications and (703)308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

SY

SY
June 16, 2003

DAVID PORTA
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